

# **EUO OF LOUISE GRAVES**

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**EUO**

**March 02, 2021**



**Lindsey Perry, LCR, RPR, CRR**

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Videoconference Examination Under Oath of:  
LOUISE GRAVES  
Taken on behalf of Owners Insurance Company  
March 2, 2021  
Commencing at 9:23 a.m.

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A P P E A R A N C E S

For Owners Insurance Company:

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For the Insured, Louise Graves:

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Songstad Law Firm  
254 Court Avenue, Suite 505  
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(901) 870-5500  
randy@songstadlawfirm.com

Also Present:

MR. CHUCK GRAVES

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S T I P U L A T I O N S

The videoconference examination under oath of LOUISE GRAVES was taken on behalf of Owners Insurance Company, with all participants appearing at their respective locations, on March 2, 2021, for all purposes under the Tennessee Rules of Civil Procedure.

It is agreed that LINDSEY R. PERRY, LCR, RPR, CRR, CSR, Court Reporter for the State of Tennessee, may swear the witness, and that the reading and signing of the completed transcript by the witness are not waived.

1                                   \*    \*    \*

2  
3                   THE REPORTER:   Good morning.   My name is  
4   Lindsey Perry, licensed court reporter with  
5   Elite-Brentwood Reporting Services, LCR No. 790.

6                   Today's date is March 2, 2021, and the  
7   time is approximately 9:23 a.m. Central.   This is  
8   the examination under oath of Louise Graves.

9                   At this time, if any of the parties have  
10   an objection to my administering the oath to the  
11   witness via videoconference, please state your  
12   objection now.

13  
14                                   \*    \*    \*

15                   LOUISE GRAVES  
16   was called as a witness, and after having been first  
17   duly sworn, testified as follows:

18  
19                                   EXAMINATION

20   QUESTIONS BY MR. GOLDAMMER:

21   Q.       All right, ma'am.   My name is Ben Goldammer.  
22   I represent Owners Insurance Company.   Hopefully  
23   this will be pretty fast today.   I'm not going to  
24   take up much of your time.

25               We're here today to take what's called an

1 examination under oath, and it -- your lawyer has  
2 probably explained this to you, but what that means  
3 is that your insurance policy provides that the  
4 insurance company has the right to ask you questions  
5 under oath about the claim you have submitted.

6 Do you understand that?

7 A. Yes.

8 Q. All right. And you're represented by  
9 counsel here today who is Mr. Songstad; is that  
10 correct?

11 A. Yes.

12 Q. At the end of this process, the court  
13 reporter will type up everything you say and  
14 everything I say. You will then be given the  
15 opportunity to review your transcript and make any  
16 changes within 30 days, okay?

17 A. Yes, sir.

18 Q. All right. Have you ever given a deposition  
19 before?

20 A. Nope, not that I remember.

21 Q. Okay. Well, I'll -- I used the word  
22 "deposition" because I assume if I'd asked you if  
23 you'd ever taken an examination under oath, you  
24 would have said "no," but just a couple of things to  
25 keep in mind.

1           First off, you're under oath here today, and  
2           so obviously that means you have to tell the truth.  
3           I know you'll do that. That's the first thing I  
4           tell everybody.

5           Second is it's crucial that we communicate.  
6           So if you can't hear me -- because I notice you're  
7           kind of turning your head a little bit. If you're  
8           having trouble or you don't understand my question,  
9           it's imperative that you tell me.

10          Does that make sense?

11         A.       Yes, sir.

12         Q.       Okay. Because if you answer a question,  
13         I'll assume you understood it. And by the same  
14         token, if you don't understand a question, I want  
15         you to stop and tell me you don't understand, okay?

16         A.       Okay. Yeah. Okay.

17         Q.       Last, people have a natural habit of  
18         communicating through headshakes or "uh-huh,"  
19         "huh-uh." If you do that, I'll probably say, you  
20         know, "You have to say 'yes,'" or, "You have to say  
21         'no.'"

22         A.       Okay.

23         Q.       It's not me trying to be rude to you, but  
24         the court reporter can't type down a headshake.

25         A.       I understand.

1 Q. Okay. The property that we're here to talk  
2 about today is 3525 East End Drive, right?

3 MR. GRAVES: 3523.

4 THE WITNESS: Yeah, 3523.

5 BY MR. GOLDAMMER:

6 Q. Yes, ma'am.

7 A. Yeah. Uh-huh. Yes. Yes, sir.

8 Q. And when did you first purchase that  
9 property?

10 A. I don't remember the year. I don't know.  
11 We was in business 37 years, but I don't remember  
12 the year. I don't know. I haven't thought about  
13 it.

14 Q. Would it have been sometime in the  
15 mid-1980s?

16 A. Yes. Correct. Correct.

17 Q. Do you remember how much you paid for the  
18 property?

19 A. No, sir.

20 Q. Did you purchase the property with your  
21 husband?

22 A. Yes, sir.

23 Q. And did you-all lease the property to  
24 somebody else? Did you run a business in the  
25 property? What did you do with it?

1 A. We ran a car dealership.

2 Q. And how long did you run a car dealership  
3 for?

4 A. 30 years. I mean, probably 30-some years.  
5 He's been gone 24 years. He's been gone 24 years  
6 and -- 20 years -- close to -- I don't know. 35 or  
7 40 years. I don't -- I haven't looked up dates. I  
8 haven't -- I didn't know what you were going to ask  
9 me, so I don't know, but around that time.

10 Q. That's all right. If you don't know, "I  
11 don't know," is a perfectly fine answer.

12 A. Okay. Okay.

13 Q. So it sounds like you and your husband  
14 bought the property in the mid-1980s, right?

15 A. Yes, sir.

16 Q. And you and your husband ran a car  
17 dealership in the property for several years?

18 A. Yes, sir.

19 Q. At some point, did -- did -- was the  
20 dealership turned over to a tenant, somebody else to  
21 run the business?

22 A. No. We ran the dealership. I was there,  
23 you know, all the time.

24 Q. When did you stop running the dealership?

25 A. Oh, boy. When was that? About 2017. About

1 three years ago. 2017.

2 Q. And did somebody else take over the  
3 dealership three years ago?

4 A. Yes, sir.

5 Q. And who was that?

6 A. Jones Chevrolet.

7 Q. Got it.

8 When you bought the property in 1984, how  
9 many buildings were on-site?

10 A. The ones that are there now.

11 Q. Got it. Okay. And that would be -- is that  
12 two buildings?

13 A. Yes, sir.

14 Q. At any time from 1980 -- from mid-1980s  
15 through the present, have you replaced the roof on  
16 either of those buildings?

17 A. Not to my knowledge.

18 MR. GRAVES: Tell them you -- it's  
19 been -- one was resealed and one was replaced.

20 MR. GOLDAMMER: Sir, this is an  
21 examination of --

22 MR. GRAVES: I'm sorry.

23 MR. GOLDAMMER: -- the insured. That's  
24 all right. You're fine to stay and listen, but it's  
25 her testimony here today.

1                   MR. GRAVES: Okay. I got you. No  
2 problem.

3 BY MR. GOLDAMMER:

4 Q. All right, ma'am. So I put up what is a  
5 lease agreement, and there's a couple of extensions  
6 on the screen, and this is with CCC Jones Motor  
7 Holdings, LLC.

8 I take it that is who took over the  
9 dealership?

10 A. Jones, yes. Uh-huh. Yeah. Jones Motor  
11 Holdings, yes. Uh-huh.

12 Q. Okay. And in -- well, first off, do you  
13 know who put this lease together, who wrote this  
14 lease?

15 A. No, sir.

16 Q. In paragraph -- or on page 2,  
17 Paragraph 5(a), it provides your lessee, your  
18 tenant, is going to maintain property damage  
19 insurance with at least \$300,000 in coverage.

20 Do you know if you ever received  
21 certificates of insurance from your tenant for that  
22 property damage insurance?

23 A. I hate to sound dumb. No, I don't know.

24 Q. It's not dumb. If you don't know the  
25 answer, you don't know the answer.



1           Do you know who Jones used as their  
2 insurance agent?

3           A.       No, sir.

4           Q.       In the 30-plus years that you owned the  
5 property, do you ever remember replacing siding or  
6 trim or soffits or fascia on the side of the  
7 building?

8           A.       No, sir. No memory of that -- to that.

9           Q.       I made some requests last year related to  
10 this lease and related to the insurance.

11           Do you -- did you ever go to your tenant in  
12 response to those requests and ask for proof of the  
13 insurance?

14          A.       No, sir.

15          Q.       In the 35-plus years that you owned the  
16 property, do you ever remember replacing ceiling  
17 tiles for the ceiling out in the shop area?

18          A.       No, sir. I don't remember that.

19          Q.       All right. My understanding is the property  
20 was sold at the end of 2020; is that correct?

21          A.       Yes, sir.

22          Q.       For -- I think it was in December of 2020  
23 for \$325,000; is that right?

24          A.       Yes, sir. Yes, sir.

25          Q.       And who was it sold to?

1 A. I'm trying to think. They're right down the  
2 street. I don't know. Oh, I hate this. It was --

3 Q. It wasn't sold to the people who own -- it  
4 wasn't sold to Jones Chevrolet, I take it?

5 A. No, sir, it was not. It was not, no.

6 Q. As part of that sale, did the buyer receive  
7 an assignment of your insurance claim?

8 A. Don't know.

9 Q. Have you negotiated any type of agreement  
10 with the buyers of the property as to how the  
11 insurance proceeds would be handled?

12 A. I haven't negotiated with anyone. I don't  
13 do any of that stuff.

14 Q. Who -- who was it that handled the  
15 transaction?

16 A. My --

17 Q. Was there a lawyer involved to handle the  
18 sale of the property?

19 A. Oh, it was the real estate agent. His name  
20 is -- let me look in my phone here. I'm trying  
21 to -- I'm trying to find it. I can't remember  
22 names. I just can't remember names anymore. I'm  
23 trying to find it. Why can't I find it? Contacts.  
24 Winfred Allen. He took care of the sale.

25 Q. All right. But you're saying you're not

1       aware of there being any agreement with the buyer to  
2       split any part of the insurance proceeds?

3       A.       That's right.

4       Q.       Got it.

5       A.       I don't know anything about any agreement.  
6       That's right.

7       Q.       Okay. In the 35-plus years that you owned  
8       the property, how many times do you remember there  
9       being hailstorms at the property?

10      A.       Several. Several times, yes.

11      Q.       All the way back to the mid-1980s?

12      A.       I don't remember.

13      Q.       And when you say "several times," "several"  
14      will mean different things to different people.

15               Does that mean more than five, more than 20?  
16      What does it mean?

17      A.       More than five.

18      Q.       Okay. And is that more than five over the  
19      35-plus-year period of time that you owned the  
20      property, ma'am?

21      A.       I just don't remember.

22      Q.       Okay. Now, there was an initial claim  
23      involving this property from -- I'm going to show  
24      you a document. It's just taking a second to load.

25               There was an initial claim back in 2017.

1       Actually, 20- -- yeah, 2017.   May of 2017.

2               Do you remember this claim?

3       A.       No, sir.

4       Q.       Do you remember filing a lawsuit as part of  
5       a claim against Owners Insurance Company in 2017?

6       A.       I don't remember.   I never got involved in  
7       any transactions.   I don't remember.

8       Q.       Okay.   Well, this is a proof of loss dated  
9       June 1st, 2018.   And I'll zoom in for you, because I  
10      can't figure out who signed it.

11              Do you know who signed this document for  
12      you, ma'am?

13      A.       I can't read the writing.

14      Q.       Okay.

15      A.       I can't read this writing.   I don't know.

16      Q.       Do you remember there being a hailstorm on  
17      or around May 27, 2017, at the East End Drive  
18      property?

19      A.       No, sir.   I don't remember anything like  
20      that.   I don't remember.

21              MR. GOLDAMMER:   Okay.   We'll mark this  
22      as Exhibit 1.

23              (WHEREUPON, a document was marked as  
24      Exhibit Number 1.)

25      //

1 BY MR. GOLDAMMER:

2 Q. And I know some of these questions may sound  
3 repetitive given the answer to the last question you  
4 gave, but you just told me you don't recall a  
5 hailstorm in May of 2017, right?

6 A. I just don't recall, no.

7 Q. Okay. And so I -- I assume you don't  
8 remember being out at the property during a  
9 hailstorm in May of 2017; is that correct?

10 A. That's correct.

11 Q. And I take it that you don't have any  
12 personal knowledge as to what damage, if any, may  
13 have been caused to the buildings as a result of  
14 that storm; is that correct?

15 A. That's correct.

16 Q. All right. Thank you, ma'am.

17 Were you aware that a lawsuit had been filed  
18 over that claim?

19 A. No.

20 Q. All right.

21 A. I just never got involved in that stuff.

22 Q. All right.

23 This is a proof of loss from October 7,  
24 2020. This will be Exhibit 2.

25 //

1 (WHEREUPON, a document was marked as  
2 Exhibit Number 2.)

3 BY MR. GOLDAMMER:

4 Q. And this document, I believe, was signed by  
5 Mr. William Griffin.

6 Do you see that?

7 A. Oh. Well, you can't read it.

8 Q. Okay. Well, that was actually going to be  
9 my next question, was whether you were aware of  
10 Mr. Griffin signing this document.

11 A. No, sir.

12 Q. Have you ever reviewed this document before?

13 A. Probably not, because I don't understand all  
14 the small print. I leave everything up to my son.  
15 He just -- since my husband passed away, he takes  
16 care of everything for me.

17 Q. Yes, ma'am.

18 In this proof of loss, Mr. Griffin testifies  
19 about a wind and hail event that occurred on or  
20 around May 4, 2020.

21 Do you remember there being a wind and hail  
22 event at the property on or around May 4, 2020?

23 A. Not aware of it.

24 Q. Are you able to testify as to any damage  
25 that the property suffered as a result of a storm on

1 or around May 4, 2020?

2 A. I'm not aware of it. I'm just not aware of  
3 any of this stuff. I just -- I just don't get  
4 involved in anything. I leave everything up to my  
5 son, and we weren't there in 2020.

6 Q. I'm sorry, ma'am. You broke up. What did  
7 you say about not being there?

8 A. I just don't -- I'm not aware of anything.  
9 And 2020 -- isn't that a few months ago?

10 Q. Yeah, that would -- yeah, that would have, I  
11 guess, been about 10 months ago, yes, ma'am.

12 A. I'm just not aware of anything, as I stay  
13 out there on the farm. He takes care of everything.  
14 I just go to him for everything.

15 Q. Understood.

16 There -- the lease with Jones Chevrolet was  
17 done in 2016.

18 From 2016 until you sold the property in  
19 December of 2020, how often were you at the  
20 property, ma'am?

21 A. I worked there for a while, but then --  
22 well, I worked there for a while. It was every day  
23 for a while, but when I retired, I stayed home and  
24 stayed out of it.

25 Q. Just to kind of circle back and put a bow on

1       that, tell me if I'm wrong, but I think what you're  
2       saying is that after the dealership was taken over  
3       by Jones Chevrolet, you stayed on and worked for  
4       Jones Chevrolet for some period of time?

5       A.       A few weeks.

6       Q.       So that would have been --

7       A.       They didn't want me.

8       Q.       Okay. That -- so that would have been a few  
9       weeks during 2016? Does that sound right?

10      A.       I guess. I didn't keep track of the dates.  
11      I didn't keep track of the dates.

12      Q.       Well, and what -- the only thing I base that  
13      on was just the fact that the -- the lease with  
14      Jones Chevrolet --

15      A.       Uh-huh.

16      Q.       -- is dated August 5 of 2016.

17      A.       Right.

18      Q.       And so I assumed you worked for Jones  
19      Chevrolet for a few weeks during 2016.

20              Does that kind of refresh your memory?

21      A.       Exactly, yes. Exactly, yes.

22      Q.       And then after those few weeks of working  
23      there, how much were you on-site after that?

24      A.       Just to pick up the rent check.

25      Q.       And was that monthly?



1 A. Yes.

2 Q. How far do you -- so they didn't mail the  
3 rent check. You'd physically go down there and get  
4 it?

5 A. Yes, sir.

6 Q. How far do you live from the dealership?

7 A. Ten miles.

8 Q. When you stopped by to pick up the rent  
9 check, do you ever recall anybody from Jones  
10 Chevrolet telling you about or complaining about  
11 hail or storm damage?

12 A. Leaks.

13 Q. Okay. And were those leaks that went back  
14 to 2016 and 2017, ma'am?

15 A. I don't know. I don't know. I just -- I --  
16 I really don't know because I just turn everything  
17 over to my son and I don't -- I don't know.

18 Q. Who do you remember at Jones Chevrolet  
19 complaining about leaks?

20 A. I don't know. I can't remember. I don't  
21 know.

22 Q. During the period -- I'm sorry. Did -- did  
23 I cut somebody off?

24 A. No, you just cut off for a second.

25 Q. Got it. Okay.

1           During the period of time that you ran the  
2 dealership, so up till 2016, do you remember there  
3 being leaks in the building?

4           A.       Yeah. There was some ice storm or something  
5 like that and it leaked, yeah. Uh-huh.

6           Q.       And do you recall how far back that was?

7           A.       No, I do not.

8           Q.       Do you know if that damage was repaired?

9           A.       I -- I guess it was. I don't know.

10          Q.       All right. And again, if the answer is, "I  
11 don't know," "I don't know" is a perfectly fine  
12 answer.

13          A.       Okay.

14          Q.       In the summer of 2020, July of 2020, Helping  
15 Hands General Contractors put together this estimate  
16 that I've got in front of you on your screen.

17          A.       Okay.

18          Q.       Prior to today, have you ever seen this  
19 document before?

20          A.       No, sir.

21          Q.       And if I fast-forward through it and go to  
22 the photographs, there's some photographs. For  
23 example, page 32 of the document, there's some  
24 indentations in the panelling.

25                   Do you see that?

1       A.       I do.

2       Q.       Are you able to testify that that damage is  
3       attributable to a May 2020 storm event?

4       A.       No, sir. I don't know what happened. I  
5       don't know what caused it.

6       Q.       Okay. And again, like I said, if the answer  
7       is you don't know, that's -- if that's the truth,  
8       that's the right answer is what I always tell  
9       people.

10               I've -- there's a lot of photographs. It's  
11       because it's a 70-page document, but I've, you know,  
12       jumped to page 34, and there's a note on this  
13       photograph about hail splatter -- hail spatter. And  
14       I'm happy to look at every photograph in here with  
15       you, but if what you're going to tell me is that we  
16       could look at all of them and you're not going to be  
17       able to tell me what relates to a May 2020 storm and  
18       what does not, then that will short-circuit this  
19       process.

20       A.       I have no way of knowing.

21               MR. GOLDAMMER: All right. We'll mark  
22       this as Exhibit 3.

23               (WHEREUPON, a document was marked as  
24       Exhibit Number 3.)

25       //

1 BY MR. GOLDAMMER:

2 Q. Was the decision to make a claim with Owners  
3 Insurance Company for the 2020 storm, was that  
4 something you came up with and decided to do or is  
5 that something your son came up with?

6 A. Not me. I just leave all the business up to  
7 him. Everything.

8 MR. GOLDAMMER: All right, ma'am. Well,  
9 I told you I would be fast, and so we've been fast  
10 here today. Like I told you at the beginning,  
11 you'll get a chance to read and sign this. The  
12 court reporter will send it to your lawyer, and then  
13 you'll have 30 days to review it and make any  
14 changes you would like to make and swear to those  
15 under oath, all right?

16 THE WITNESS: Yes, sir.

17 MR. GOLDAMMER: Thank you very much for  
18 your time here today.

19 FURTHER DEPONENT SAITH NOT

20 (Proceedings concluded at 9:51 a.m.)

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Lindsey Perry \* Elite-Brentwood Reporting Services \*

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E R R A T A P A G E

I, LOUISE GRAVES, having read the foregoing examination under oath, Pages 1 through 23, do hereby certify said testimony is a true and accurate transcript, with the following changes (if any):

PAGE	LINE	SHOULD HAVE BEEN
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\_\_\_\_\_  
LOUISE GRAVES

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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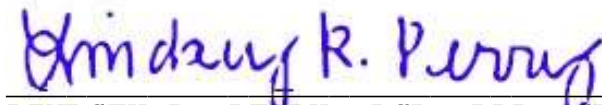
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COUNTY OF WILLIAMSON

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